

**LIQUOR ADVISORY BOARD**  
**Tuesday, September 20, 2011**  
**6:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Present:**

**LAB Members:** Aaron Magdziarz  
Alicia Neubauer  
Dennis Olson  
Dan Roszkowski  
Julio Salgado  
Scott Sanders  
Craig Sockwell

**Absent:**

**Staff:** Jennifer Cacciapaglia – City Attorney  
Todd Cagnoni, Deputy Director - Construction Services Division  
Mark Marinaro – Fire Department  
Marcy Leach – Public Works  
Sandra Hawthorne - Administrative Assistant

**Others:** Alderman Franklin Beach  
Alderman Ann Thompson-Kelly  
Alderman Karen Elyea  
Alderman Nancy Johnson  
Kathy Berg, Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, October 3, 2011, at 4:45 PM in Conference Room A of this building as the second vote on these

items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 6:00 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the August meeting as submitted. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-0 with Craig Sockwell and Scott Sanders abstaining.

**011-LAB-015**

Applicant  
Ward 11

**1201 Broadway**

Rockford Banquet Hall, Inc. – Than Xayvandy  
The sale of liquor by the drink in conjunction with a restaurant, bar, and banquet hall (venue) in a C-4, Urban Mixed-Use Zoning District.

The subject property is located on the southeast corner of 8<sup>th</sup> Street and Broadway and is the former Asian Mall, now vacant. This item was Laid Over from the August 16<sup>th</sup> meeting and a request was received to again Lay Over this item.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the sale of liquor by the drink in conjunction with a restaurant, bar and banquet hall (venue) in the name of Than Xayvandy d/b/a Rockford Banquet Hall, Inc. in a C-4, Urban Mixed-Use Zoning District at 1201 Broadway. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 7-0.

**011-LAB-017**

Applicant  
Ward 1

**139 Sundae Drive**

Taste of India, - Doaba Corp  
The sale of beer and wine by the drink in conjunction with a restaurant in a C-3, General Commercial Zoning District.

The subject property is located on the northeast corner of East State Street and Sundae Drive and is currently a vacant restaurant. Anwar Zaidi was present to discuss this application. He stated they have 4 locations in Wisconsin currently. Based on their success in Wisconsin it was decided to open one in Rockford. He explained this is a family-run business, open 7 days a week starting at 11:00 A.M. opening for customers.

Attorney Cacciapaglia had no questions. Dan Roszkowski asked if any outside location was planned to which Mr. Zaidi responded there was not. Scott Sanders wished to verify the 11:00 A.M. opening because condition of approval (3) stated it was 11:30. Staff stated the Board could change this condition to clarify 11:30.

Staff Recommendation was for Approval with 4 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of beer and wine by the drink in conjunction with a restaurant in the name of Devinder Badwal of Doaba Corp. LLC d/b/a Taste of India in a C-3, General Commercial Zoning District at 139 Sundae Drive with a modification to Condition (3) to reflect an opening time of 11:30 A.M. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. The hours of operation will be limited to 11:00 A.M. to 11:00 P.M. Monday through Sunday.
4. The sale of alcoholic beverages shall be in conjunction with a restaurant.

**011-LAB-018**

Applicant  
Ward 11

**902 9<sup>th</sup> Street**

Market Street Enterprises– John Richard  
The sale of liquor by the drink and package liquor sales in conjunction with a tavern in an I-1, Light Industrial District.

The subject property is located on the southeast corner of Railroad Avenue and 9<sup>th</sup> Street and is the former Railroad Tap. Attorney Charles Kostantacos was present representing the Applicants. John Connor and Martha Myers, Applicants, were also present. He explained Mr. Connor has managed the Rue Marche and Ms. Myers has business experience as well. The Applicant has a five year lease agreement for this business and is seeking a liquor license in name. The business will continue under the name of Railroad Tap. The Applicant is prepared to begin operating this business immediately upon approval of this application. Attorney Kostantacos stated this will not be an absentee owner business. In regards to security, he stated there is good interior and exterior lighting with 9 cameras total covering the interior and exterior premises. He further stated the Applicants do have the resources to hire security if so required. They believe they are able to co-exist with the neighboring properties.

Attorney Cacciapaglia asked if they would be willing to hire security if required to which Attorney Kostantacos responded they would. She further asked if the clients were willing to add a condition of approval that there be no D.J.'s or live bands. Mr. Connor stated if they do have a band it would be on a limited basis. Attorney Cacciapaglia asked for clarification of this statement and specifically how often bands would be on site, stating the Board wished to clarify that this not become a nightclub. Mr. Connor stated it would be very limited for special occasions and he would not hire bands or D.J.'s. Attorney Cacciapaglia asked the Board to modify Condition (2) to also state that the business operation be consistent with the business plan submitted by the Applicants. The Applicants are agreeable to not having sales of package liquor.

Staff Recommendation is for Approval of the sale of liquor by the drink and Denial of package liquor sales, with 3 conditions. Objectors or Interested Parties were present.

Laurie McLain 1525 Parmele Street was present as an Objector. Stated she wanted more facts on the number of police calls that have been at this location. She is concerned with the influence of a liquor store in the area bringing in more criminal activity and prostitution.

Alderman Elyea and Alderman Nancy Johnson were present as supporters. Alderman Elyea stated this property has not been a problem in her Ward and has been well maintained by the owner. The Applicants have a history of not having problems at their other business. Alderman Johnson expressed her support of this application as well. She stated Mr. Connor also worked at other establishments in her Ward with no problems and encouraged the Board to vote in favor of this application.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink and to **DENY** package liquor sales in conjunction with a tavern in the name of John Richard, Market Street Enterprises d/b/a Railroad Tap in an I-1, Light Industrial Zoning District at 902 9<sup>th</sup> Street with to Condition (3) to state the business operation to be consistent with the business plan submitted by the Applicant. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Compliance with the Liquor Ordinance.
2. Business hours shall be consistent to business plan shown as Exhibit F.
3. That there shall be no cover charge. The business operation shall be consistent with the business plan submitted - Exhibit F

**011-LAB-019**

Applicant  
Ward 1

**1869 N. Perryville Road**

Road Ranger LLC – Daniel Arnold

The sale of package liquor in conjunction with a gas station, convenience store, and minimum preparation food in a C-2, Limited Commercial District.

The subject property is located east of Perryville Road and north of Rote Road. Marvin Keys and Ryan Chapman were present on behalf of Road Ranger LLC. They currently have 79 locations, and over 60 with liquor sales, with 7 in Rockford. Road Ranger LLC is developing a new gas station and convenience store with 13 gas pumps. The building will be 4,240 square feet in size.

Attorney Cacciapaglia had no questions.

Staff Recommendation is for Approval with two conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of packaged liquor in conjunction with a gas station, convenience store and minimum preparation food in the name of Daniel Arnold – Road Ranger LLC d/b/a Road Ranger in a C-2, Limited Commercial Zoning District at 1869 North Perryville Road. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meeting all applicable liquor codes.
2. Meeting all applicable building and fire codes.

**011-LAB-020**

Applicant  
Ward 14

**3212 S. Alpine Road**

Big Boi Liquor– Micheal James Croft

The sale of packaged liquor in conjunction with a liquor store in an I-1, Light Industrial Zoning District.

The subject property is located on the southeast corner of American Road and South Alpine Road and is a vacant tenant space approximately 933 square feet in size within the Horizon Shopping Center. Michael Croft, applicant, reviewed his request for a packaged liquor store.

There were no questions from Attorney Cacciapaglia. Mr. Olson asked if he had ever run a liquor store previously to which Mr. Croft replied he has not. Scott Sanders wished to clarify the Applicant was aware that conditions of approval state closing times of 12:00 midnight. Mr. Olson stated he was.

Staff Recommendation is for Approval with 7 conditions. Objectors or Interested Parties were present.

Glen Ekberg, was present as an objector. Mr. Ekberg owns property at 3007 South Alpine, 4415, 4418, 4409, 4405, 4414, 4410, and 4332 O'Connell. Mr. Ekberg explained his rental property is directly across the street from the applicant's proposed business and he has had problems with his tenants as a result of drinking and easy access to liquor sales from other businesses. He stated most of the police calls he has had were in his apartments were domestic violence calls. He would like to see the City join with him to improve this neighborhood.

In response Mr. Croft stated it was apparent that people could purchase liquor at other locations prior to his business opening and this should not be a reflection on him.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of packaged liquor in conjunction with a liquor store in the name of Micheal James Croft d/b/a Big Boi Liquor in a I-1, Light Industrial Zoning District at 3212 South Alpine Road. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The hours of operation will be limited to 6:00 A.M. to 12:00 A.M. Monday through Saturday.
5. The hours of operation will be limited to 11:00 A.M. to 12:00 A.M. on Sunday.
6. The sale of alcohol shall be limited to the interior site plan that was submitted as Exhibit D.
7. Window display signage is limited to 30% of window area. The sale of rose tubes, airplane-sized bottles and any other products that can be deemed to be easily manufactured into crack pipes is prohibited.

**011-LAB-021**

Applicant  
Ward 1

**7310 Walton Street**

Kochi Japan Inc. – Xin Liu

The sale of alcohol by the drink in conjunction with a sit down restaurant and an outdoor dining area in a C-3, Commercial General District.

The subject property is located in a strip center on the south side of East State Street, north of Walton Street and is the former BD Mongolian Grill. Attorney Charles Sewell was present, representing the Applicant. The restaurant will specialize in Japanese cuisine, sushi and hibachi grill. An outdoor seating area is located on the east side of the building. Attorney Sewell stated the Applicant's request is for wine and beer only. This will be a sit-down restaurant as opposed to a buffet type restaurant. Attorney Cacciapaglia asked if the Applicant's were planning live entertainment to which the response was No. She then asked that a condition showing agreement with business plan exhibit H as submitted by Applicants be added as a condition of Approval.

Scott Sanders asked if there would be much of a bar area to which Attorney Sewell replied it would be mostly a restaurant with drinks served with food.

Staff Recommendation is for Approval with 2 conditions. Objectors or Interested Parties were present.

A **MOTION** was made by Scott Sanders to **APPROVE** the sale of alcohol by the drink in conjunction with a sit-down restaurant and outdoor dining area in the name of Xin Liu d/b/a Kochi Japan Inc. in a C-3, Commercial General Zoning District at 7310 Walton Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. The sale of alcoholic beverages shall be in conjunction with a sit-down restaurant.
2. Compliance with the Liquor Ordinance.

With no further business to report, the meeting was adjourned at

Respectfully submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Liquor Advisory Board